

**THE URBAN LAW FIRM**  
MICHAEL A. URBAN, Nevada Bar No. 3875  
SEAN W. McDONALD, Nevada Bar No. 12817  
4270 S. Decatur Blvd., Suite A-9  
Las Vegas, Nevada 89103  
T: (702) 968-8087  
F: (702) 968-8088  
murban@theurbanlawfirm.com  
smcdonald@theurbanlawfirm.com  
***Counsel for Plaintiff***

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JASON KINZER, an individual;

Plaintiff,

vs.

ALLEGIANT AIR, LLC, a Nevada limited  
liability company; and ALLEGIANT TRAVEL  
CO., a Nevada corporation,

Defendants.

Case No. 2:15-cv-02306-JAD-PAL

**RESPONSE TO DEFENDANT'S  
REQUEST FOR EXCEPTION FROM  
ATTENDANCE AT EARLY NEUTRAL  
EVALUATION**

Plaintiff, by and through counsel, hereby responds in limited opposition to Defendants' Request for Exception from Attendance at Early Neutral Evaluation (ECF No. 22). This response is filed in compliance with the Court's minute order to file any opposition by February 16, 2016 (ECF No. 24).

Defendant Allegiant Air, LLC requests that its insurance carrier be excused from attending the ENE in person on the ground that Defendant has a substantial self-insured retention and that any anticipated resolution of this matter at the ENR will be self-funded. After inquiring with opposing counsel, Defendant's counsel indicates the self-insured retention is \$175,000.

Plaintiff respectfully requests the appearance of a representative of Defendant's insurance carrier, as required by the Court's Order Scheduling Early Neutral Evaluation Session (ECF No. 11), because Plaintiff asserts that the causes of action pleaded place into controversy sums that significantly exceed the \$175,000 self-insured retention. Additionally, Plaintiff believes the presence of a representative of Plaintiff's insurance carrier would help facilitate settlement in

1 light that Plaintiff asserts claims in excess of the self-insured retention. However, as Defendants'  
2 counsel suggests, Plaintiff does not object to a telephonic appearance of the insurance carrier's  
3 representative, if the Court determines that is appropriate.

4 **THE URBAN LAW FIRM**

5  
6 By: /s/ Sean W. McDonald  
7 MICHAEL A. URBAN, Nevada Bar No. 3875  
8 SEAN W. McDONALD, Nevada Bar No. 12817  
9 4270 S. Decatur Blvd., Suite A-9  
10 Las Vegas, Nevada 89103  
11 T: (702) 968-8087  
12 F: (702) 968-8088  
13 murban@theurbanlawfirm.com  
14 smcdonald@theurbanlawfirm.com

15 ***Counsel for Plaintiff***

16 66366

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of February, 2016, I electronically filed the foregoing **RESPONSE TO DEFENDANT’S REQUEST FOR EXCEPTION FROM ATTENDANCE AT EARLY NEUTRAL EVALUATION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael A Urban murban@theurbanlawfirm.com, RSchleiker@theurbanlawfirm.com, adenni@theurbanlawfirm.com, kopenbrier@theurbanlawfirm.com, nring@theurbanlawfirm.com, pcotsonis@theurbanlawfirm.com, smcdonald@theurbanlawfirm.com, vhernquist@theurbanlawfirm.com

Veronica Arechederra-Hall veronica.hall@jacksonlewis.com, LasVegasDocketing@JacksonLewis.com, janine.martin@jacksonlewis.com, karen.micheleni@jacksonlewis.com

Sean W. McDonald smcdonald@theurbanlawfirm.com, efiling@theurbanlawfirm.com

and I hereby certify that have mailed by United States Postal Service the document to the following non-CM/ECF participants:

[none]

/s/ Sean W. McDonald  
An Employee of The Urban Law Firm

66366